

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR ARTHUR LOFF,

Defendant.

CR 22–21–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 29.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Victor Arthur Loff is charged with one count of prohibited person in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count I) and one count of drug user and addict in possession of firearms and

ammunition, in violation of 18 U.S.C. § 922(g)(3) (Count II). (Doc. 2.) Judge DeSoto recommends that this Court accept Mr. Loff's guilty plea as to Count II after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 29) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Loff's motion to change plea (Doc. 19) is GRANTED.

IT IS FURTHER ORDERED that Victor Arthur Loff is adjudged guilty as charged in Count II of the Indictment.

DATED this 31st day of October, 2022.



Dana L. Christensen, District Judge
United States District Court